



**General Assembly of Tennessee
OFFICE OF LEGAL SERVICES
Cordell Hull Building
Nashville, Tennessee 37243**

January 18, 2023

M E M O R A N D U M

TO: Honorable Randy McNally, Lt. Governor and Speaker of the Senate
Chairs of the standing committees of the Senate
Honorable Cameron Sexton, Speaker of the House of Representatives
Chairs of the standing committees of the House of Representatives

FROM: Karen Garrett, Director
Anastasia P. Campbell, Director
Jamie Shanks, Interim Revisor of Statutes

SUBJECT: Revisor of Statutes - 2021-2022 Report

I. BACKGROUND INFORMATION

The Office of the Repealer was created within the Office of Legal Services (OLS) by Chapter 475 of the Public Acts of 2013 (Tenn. Code Ann. § 3-12-109); the functions and duties of the office were transferred to the Revisor of Statutes within OLS by Chapter 603 of the Public Acts of 2016. The Revisor of Statutes accepts submissions from Tennessee citizens and entities for review of Tennessee state laws and rules believed to be anachronistic, obsolete, defective, duplicative, contradictory, unnecessary, or incomprehensible. The Revisor biennially reports findings and recommendations regarding such submissions to the speaker of the senate, the speaker of the house of representatives, and the chairs of the standing committees.

II. REPORT

Please accept this memorandum as the 2021-2022 Biennial Report of the Revisor of Statutes. The 2021-2022 Biennial Report encompasses submissions made to the

Revisor from January 1, 2021, through December 31, 2022. During this reporting period, the Revisor received three completed submissions via the website (all of which were received in 2021) and no submissions via regular mail.

The Revisor makes the following findings and recommendations as to the submission forms submitted:

1. March 5, 2021 Submission – theft of entertainment subscription services. Acts 2011, Public Chapter 348 amended the definition of "services" in Tennessee Code Annotated § 39-11-106(a)(38) to include entertainment subscription services. The definitional change, as applied to theft of services under Tennessee Code Annotated § 39-14-104, meant that a person commits theft of service who intentionally obtains entertainment subscription services by deception, fraud, coercion, forgery, false statement, false pretense or any other means to avoid payment for the entertainment subscription services. It has been submitted that this law is "anachronistic," "obsolete," and "unnecessary." The Revisor finds that the issue of whether this statute should be removed is a policy decision. It is the role of the General Assembly to decide such policy matters.

2. March 11, 2021 Submission – posting certain written notices to the courthouse door. Tennessee Code Annotated § 35-5-101(a) provides that in any sale of land to foreclose a deed of trust, mortgage or other lien securing the payment of money or other thing of value or under judicial orders or process, advertisement of the sale shall be made at least three different times in some newspaper published in the county where the sale is to be made. However, Tennessee Code Annotated § 35-5-103 provides that whenever the advertisement cannot be made in a newspaper, then the officer shall make publication of the sale for thirty days by written notices posted in at least five of the most public places in the county, one of which shall be the courthouse door, and another in the neighborhood of the defendant; if of realty, in the civil district where the land lies. It has been submitted that this law is "obsolete" with regard to the language "one of which shall be the courthouse door." The Revisor finds that the issue of whether this language should be removed is a policy decision. It is the role of the General Assembly to decide such policy matters.

3. September 28, 2021 Submission – Tennessee COVID-19 Recovery Act. It has been submitted that former Tennessee Code Annotated § 29-34-802 was "defective." The Revisor finds that the issue is moot as Tennessee Code Annotated § 29-34-802 has been repealed since the date of the submission.

If you have any questions, please contact Jamie Shanks at (615) 741-7531.